

UNITED STATES OF AMERICA,)
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)
 v.) UNITED STATES' RESPONSE TO
) DEFENDANT'S MOTION IN
) LIMINE (D.E. 568)
LEONID ISAAKOVICH TEYF,)
 Defendant.)

In the main, defendant uses the motion in limine to contest further the evidence noticed by the government in its 404(b) filing and supplement. See D.E. 472 and 559. The government incorporates by reference and relies upon these prior filings in response to defendant's designated Motions in Limine 3, 4, 5, 6, and 7 within D.E. 568.

As to Motion in Limine 1, defendant asserts under FRE 402 that Teyf's ownership or possession of any weapon other than the firearm specific to Count 29 "is simply irrelevant to whether he intended to kill A.G. (Count 27)..." See D.E. 568 at 3. Moreover, defendant asserts that under FRE 403, this evidence would be highly prejudicial as it lacks any relevance. *Id.* In addition, referencing FRE 404(b),

defendant asserts that TEYF's gun ownership would also be "quintessential character evidence forbidden by Rule 404(b))." What the defendant fails to acknowledge is a recording in which TEYF explicitly refers to ALL of his guns when contemplating the means by which A.G. could be murdered and that he will check to determine if they could be used; or a follow up recording in which TEYF explicitly informs the assassin-to-be that TEYF's firearms cannot be used because each can be traced back to him. The relevance is apparent. The prejudice is high, as evidence indicating one had knowledge his acts were illegal should be, but it is certainly not unfair in light of the extreme probative value. Rule 404(b) is inapplicable.

For these reasons, the defendant's motion in limine (D.E. 568) should be denied.

Respectfully submitted this 1st day of May, 2020.

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CERTIFICATE OF SERVICE

This is to certify that I have this 1st day of May 2020, served a copy of the foregoing filing upon counsel for the defendant in this action by electronically filing the foregoing with the Clerk of Court, using the CM/ECF system that will send notification of such filing to:

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